

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK RUMBURG,

Plaintiff,

v.

Case No. 10-CV-11670-DT

SECRETARY OF THE ARMY, JOHN M.
MCHUGH,

Defendant.

**OPINION AND ORDER DENYING PLAINTIFF'S REQUEST FOR A GRAND JURY
AND DENYING PLAINTIFF'S REQUEST TO COMPEL INVESTIGATIONS**

Before the court are two "requests" filed by Plaintiff Mark Rumburg on July 9, 2010: Plaintiff's "Request for a Grand Jury to Investigate Criminal Behavior" and his "Request for your Honor to Compel Investigations." In these two requests, Plaintiff asks the court to compel "Federal Agencies" to conduct investigations into alleged instances of fraud and perjury that Plaintiff refers to generally. (See Dkt. # 11 at 1.) Plaintiff also asks the court to "allow a Grand Jury to investigate" these matters. (See Dkt. # 12 at 1.) Plaintiff has not identified any authority for this extraordinary relief, and the court is aware of no legal basis for granting this request on the facts alleged. "[A]uthority to initiate criminal complaints rests exclusively with state and federal prosecutors." *Rose v. City of Olive Hill, Ky.*, No. 08-CV-026-DLB, 2008 WL 4056529, at *5 (E.D. Ky. Aug. 27, 2008) (citing *Sahagian v. Dickey*, 646 F. Supp. 1502 (W.D. Wis. 1986)). Indeed, "[s]uch complaints must be initiated by a United States Attorney or a federal grand jury;

a federal court has no authority to do so.” *Id.* (citing *Kennedy v. Anderson*, 373 F. Supp. 1345, 1346 (E.D. Okla. 1974), *Sahagian*, 646 F. Supp. at 1506)).

As Plaintiff has identified no authority for his requested relief,

IT IS ORDERED that Plaintiff’s “Request for a Grand Jury” [Dkt. # 10] is DENIED and Plaintiff’s “Request . . . to Compel Investigations” [Dkt. # 11] is also DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 29, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 29, 2010, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522

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